

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PAULA KRITZMAN,

Plaintiff,

-against-

06 Civ. 0233 (LAK)

AMERICAN EXPRESS RETIREMENT PLAN, et al.,

Defendants.

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ORDER

LEWIS A. KAPLAN, *District Judge*.

This purported class action challenges the American Express Retirement Plan as age discriminatory and otherwise in violation of ERISA. Defendants have moved to dismiss and I have referred the motion to Magistrate Judge Pitman.

I am advised that the motion turns on a question that has divided six judges of this district into equal groups and that is pending before the Court of Appeals in *Hirt v. The Equitable Retirement Plan*, No. 06-4757. On consent of the parties, this action is stayed and placed on the suspense docket pending the Court of Appeals' decision in *Hirt*.

SO ORDERED.

Dated: June 20, 2007



Lewis A. Kaplan
United States District Judge

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